

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NAAM L. MATTHEWS,

Plaintiff,

v.

**CBE COMPANIES, INC. d/b/a CBE
GROUP,**

Defendant.

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Case No. 4:18-cv-04692

DEFENDANT CBE COMPANIES, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Defendant CBE Companies, Inc. ("CBE"), and files this Answer to Plaintiff's Complaint, and will show onto this Court as follows:

NATURE OF THE ACTION

1. CBE admits that Plaintiff brings this case pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (the "FDCPA") and the Texas Debt Collection Act, Tex. Fin. Code § 392 et seq. (the "TDCA"). CBE denies that it violated any of these statutes.

JURISDICTION AND VENUE

2. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 2, and therefore denies the same.

3. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 3, and therefore denies the same.

PARTIES

4. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 4, and therefore denies the same.

5. CBE admits Paragraph 5.

6. CBE admits it is incorporated under the laws of the state of Iowa and has its principal place of business at 1309 Technology Parkway, Cedar Falls, Iowa. CBE admits it sometimes qualifies as a third-party debt collection agency but lacks sufficient knowledge to state whether it qualifies as such in this case.

7. CBE admits Paragraph 7.

8. CBE admits that as a corporation it can only act through its agents and employees acting within the scope of their important.

FACTS SUPPORTING CAUSES OF ACTION

9. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 9, and therefore denies the same.

10. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 10, and therefore denies the same.

11. CBE admits it made phone calls to a number ending in 4444. CBE denies it made any calls to Plaintiff in the summer of 2018. CBE is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 11, and therefore denies the same.

12. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 12, and therefore denies the same.

13. CBE admits Paragraph 13.

14. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 14, and therefore denies the same.

15. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 15, and therefore denies the same.

16. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 16, and therefore denies the same.

17. CBE admits that it was calling Plaintiff to collect a debt owed by Plaintiff, and that CBE's agents would have told Plaintiff that the purpose of the calls was to collect a debt.
18. CBE denies Paragraph 18.
19. CBE denies Paragraph 19.
20. CBE denies Paragraph 20.
21. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 21, and therefore denies the same.
22. CBE denies Paragraph 22.
23. CBE denies Paragraph 23.

COUNT I

24. CBE reincorporates the preceding paragraphs as if fully set out herein.
25. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 25, and therefore denies the same.
26. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 26, and therefore denies the same.
27. CBE admits Paragraph 27.
28. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 28, and therefore denies the same,
29. CBE denies Paragraph 29 as an incomplete and/or inaccurate statement of law.
30. CBE denies Paragraph 30.
31. CBE denies Paragraph 31.
32. CBE denies Paragraph 32 as an incomplete and/or inaccurate statement of law.
33. CBE denies Paragraph 33 as an incomplete and/or inaccurate statement of law.

- 34. CBE denies Paragraph 34.
- 35. CBE denies Paragraph 35.
- 36. CBE denies Paragraph 36 as an incomplete and/or inaccurate statement of law.
- 37. CBE denies Paragraph 37.
- 38. CBE denies Paragraph 38.

CBE denies Plaintiff's Prayer for Relief and its subparts, and denies Plaintiff is entitled to any relief or damages.

COUNT II

- 39. CBE reincorporates the preceding paragraphs as if fully set out herein.
- 40. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 40, and therefore denies the same.
- 41. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 41, and therefore denies the same.
- 42. CBE is without sufficient information to form a belief necessary to admit or deny Paragraph 42, and therefore denies the same.
- 43. CBE denies Paragraph 43 as an incomplete and/or inaccurate statement of law.
- 44. CBE denies Paragraph 44.
- 45. CBE denies Paragraph 45.
- 46. CBE denies Paragraph 46 as an incomplete and/or inaccurate statement of law.
- 47. CBE denies Paragraph 47.
- 48. CBE denies Plaintiff's Prayer for Relief and its subparts, and denies Plaintiff is entitled to any relief or damages.

JURY DEMAND

- 49. CBE admits Plaintiff has sought a trial by jury in this case.

AFFIRMATIVE DEFENSES

50. Plaintiff's damages if any are the result of the actions of third parties over whom CBE has no control.
51. Plaintiff's damages, if any were pre-existing damages not caused by CBE.
52. Plaintiff has failed to mitigate damages if any.
53. Plaintiff proximately caused his own damages, if any.
54. Any violations of the FDCPA are the result of an unintentional bona fide error.
55. Some or all of Plaintiff's claims are barred by the relevant statute of limitations.

Respectfully submitted,

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***COUNSEL FOR DEFENDANTS
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via **CM/ECF** on this 11th day of February, 2019 to:

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/s/ Robbie Malone
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